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CHAPTER 12

LOSS OR COMPROMISE OF CLASSIFIED INFORMATION

12-1 BASIC POLICY

1. The loss or compromise of classified information presents a threat to the national security. Reports of loss or compromise ensure that such incidents are properly investigated and the necessary actions are taken to negate or minimize the adverse effects of the loss or compromise and to preclude recurrence.
2. A loss of classified information occurs when it cannot be physically located or accounted for.
3. A compromise is the unauthorized disclosure of classified information to a person(s) who does not have a valid clearance, authorized access or a need-to-know.
4. A possible compromise occurs when classified information is not properly controlled.

12-2 REPORTING RESPONSIBILITIES

1. **Individual.** An individual who becomes aware that classified information is lost or compromised shall immediately notify their commanding officer or security manager of the incident. If that individual believes their commanding officer or security manager may be involved in the incident, notify the next higher echelon of command or supervision. If circumstances of discovery make such notification impractical, the individual shall notify the commanding officer or security manager at the most readily available command or contact the local NCIS office.
2. **Commanding Officer.** When a loss or compromise of classified information occurs, the cognizant commanding officer shall immediately notify the local NCIS office and initiate a Preliminary Inquiry (PI). The contacted NCIS office shall promptly advise whether or not they will open an investigation and provide advice. Timely referral to the NCIS is imperative to ensure preservation of evidence for any possible CI or criminal investigation.

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12-3 PRELIMINARY INQUIRY (PI)

A PI is the initial process to determine the facts surrounding a possible loss or compromise. At the conclusion of the PI, a narrative of the PI findings are provided in support of recommended additional investigative or command actions. A PI is convened by the command with custodial responsibility over the lost or compromised information.

12-4 PRELIMINARY INQUIRY INITIATION

1. The commanding officer shall appoint, in writing, a command official (other than the security manager or anyone involved with the incident) to conduct a PI.

2. A PI shall be initiated and completed within 72 hours and sent by message or letter to the next superior in the administrative chain of command, the CNO (N09N2), the originator and the OCA of the lost or compromised information, the local NCIS office, and all others required by paragraph 12-8. If circumstances exist that would delay the completion of the PI within 72 hours, all the required addressees shall be notified. A pending NCIS investigation shall not delay the completion of a PI, unless the NCIS Special Agent in Charge (SAC) requests that command actions be held in abeyance in order to preserve evidence for CI or criminal investigations.

12-5 CONTENTS OF THE PI MESSAGE OR LETTER

The PI shall completely and accurately identify the information lost or compromised. This identification shall include the information's subject or title, classification of the information (including any relevant warning notices or intelligence control markings, downgrading and declassification instructions), all identification or serial numbers, the date, the originator, the OCA, the number of pages or amount of material involved, a point of contact from the command, a command telephone number, the Unit Identification Code (UIC) of the custodial command, etc. (see exhibits 12A and 12B for sample PI formats).

12-6 CLASSIFICATION OF THE PI MESSAGE OR LETTER

Every effort shall be made to keep the PI unclassified and without any enclosures. However, if the lost information is beyond the jurisdiction of the U.S., and cannot be recovered, the PI shall be classified commensurate to the security classification level of the lost information to prevent its recovery by unauthorized persons.

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12-7 ACTIONS TAKEN UPON PI CONCLUSION

1. Send the PI message or letter if the PI concludes that a loss or compromise of classified information occurred or a significant command security weakness(es) or vulnerability(ies) is revealed. The command shall immediately initiate a JAGMAN investigation (see paragraphs 12-9 and 12-10), and notify the local NCIS office and all required addressees of the PI. Additionally, the commanding officer shall immediately take any necessary disciplinary and/or corrective actions to prevent further damage and recurrence.

2. Send the PI message or letter if the PI concludes that a loss or compromise of classified information may have occurred. Additionally, the command shall initiate a JAGMAN investigation (see paragraph 12-9 and 12-10) and immediately notify the local NCIS office and all required addressees of the PI. If a significant security weakness or vulnerability is revealed due to the failure of a person(s) to comply with established security practices and/or procedures the commanding officer shall immediately take any necessary disciplinary and/or corrective actions to prevent recurrence.

3. Do not send the PI message or letter if the PI concludes that a loss or compromise of classified information did not occur or the possibility of compromise is remote (e.g., "remote" due to security-in-depth at the command). However, if a minor security weakness or vulnerability is revealed due to the failure of a person(s) to comply with established security practices and/or procedures, the commanding officer shall immediately take the necessary disciplinary and/or corrective actions to prevent recurrence.

12-8 REPORTING LOSSES OR COMPROMISES OF SPECIAL TYPES OF CLASSIFIED INFORMATION AND EQUIPMENT

1. Report losses or compromises involving computer systems, terminals, or equipment to the CNO (N09N2) (the CNO (N09N2) shall notify the Director, Information Assurance, OASD(C³I)).

2. Report losses or compromises involving NATO classified information per reference (a). One of the primary requirements of reference (a) is to notify the USSAN via the ODUSD(PS). This notification shall be made by the CNO (N09N2).

3. Report losses or compromises involving FGI to the CNO (N09N2) (the CNO (N09N2) shall notify the Director, International Security Programs (ODUSD(PS))).

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4. Report losses or compromises involving DoD SAPs, or results of inquiries or investigations that indicate weaknesses or vulnerabilities in established SAP policy, to the Director, Special Programs (ODUSD(PS)) via CNO (N89).
5. Report losses or compromises involving Restricted Data (including CNWDI), and Formerly Restricted Data (when it involves unauthorized disclosure to a foreign government), to the CNO (N09N2) with a copy to the local NCIS office, who shall notify the FBI.
6. Report losses or compromises involving SIOP and SIOP-ESI to the Joint Chiefs of Staff (JCS) and the U.S. Commander in Chief, Strategic Command (USCINCSTRAT) by the quickest means possible, consistent with security requirements. Include an opinion as to the probability of compromise. The USCINCSTRAT will then recommend appropriate actions with regard to modification of the plan or related procedures for consideration by the JCS.
7. Report losses or compromises of COMSEC information or keying material to the controlling authority, who shall determine if a traffic review is necessary. If a review is warranted, it shall be conducted using the procedures contained in reference (b). The "initial report" required by reference (b) satisfies the requirement for a PI (see paragraph 12-2), provided copies are sent to the CNO (N09N2), the NSA, and the local NCIS office. Aside from this one exception, the procedures set forth in reference (b) shall be followed in addition to, and not in lieu of, the requirements of this chapter.
8. Report losses or compromises involving SCI per reference (c).
9. Report losses or compromises of classified information which involve other Government agencies to the Principal Director, Security and Information Operations (ODASD(S&IO)). It is the Principal Director, Security and Information Operations (ODASD(S&IO)) who is notified in those instances when other U.S. government agencies lose or compromise DoD classified information.
10. Immediately report incidents indicating a deliberate compromise of classified information or indicating possible involvement of a foreign intelligence agency to the local NCIS office.

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12-9 JAGMAN INVESTIGATIONS

1. A JAGMAN investigation is an administrative proceeding conducted per chapter II of reference (d). A JAGMAN investigation is usually convened by the command having custodial responsibility over the information lost or compromised. The purpose of a JAGMAN investigation is to provide a more detailed investigation and recommend any corrective or required disciplinary actions.

2. Whenever serious disciplinary action or prosecution is contemplated against any person(s) believed responsible for the compromise of classified information, formal classification reviews (see paragraph 12-16) shall be coordinated with the CNO (N09N2), the NCIS and the OJAG (Code 11). Whenever a violation of criminal law appears to have occurred and criminal prosecution is contemplated, the OJAG (Code 11) shall notify the DON General Counsel.

3. Designation as a national security case (see reference (d)) does not normally occur until the JAGMAN investigation is completed and it has been submitted to the appointing authority (cognizant command).

12-10 JAGMAN INITIATION AND APPOINTMENT LETTER

1. The commanding officer shall appoint, in writing, an individual to conduct a JAGMAN investigation. This individual shall have a clearance level commensurate to the classification level of the information involved; the ability to conduct an effective investigation; and shall not be someone likely to have been involved, directly or indirectly, with the incident. The command security manager shall not be appointed to conduct the JAGMAN investigation (see exhibit 12C for a sample JAGMAN appointment letter).

2. If during the course of the JAGMAN investigation it is determined that a compromise did not occur, the investigation shall be terminated and all addressees required in paragraphs 12-3 and 12-8) shall be notified with a brief statement supporting the determination.

3. Exhibit 12D is a sample format for a JAGMAN investigation. Questions concerning JAGMAN investigations shall be directed to the cognizant DON command's Staff Judge Advocate (SJA) or the nearest Trial Service Office.

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12-11 INVESTIGATIVE ASSISTANCE

Successful completion of a JAGMAN investigation may, under certain circumstances, require professional or technical assistance. Commanding officers may ask the NCIS for investigative assistance in cases where commands lack either the resources or the capabilities to conduct certain types of investigations. Such a request may be made at any time during the course of the investigation, regardless of whether the NCIS initially declined investigative action. For example, the NCIS can provide valuable assistance in interviewing witnesses who have been transferred or in processing latent fingerprints.

12-12 CLASSIFICATION OF JAGMAN INVESTIGATIONS

1. Every effort shall be made to keep the JAGMAN investigation unclassified; however, it shall be classified under the same circumstances as a PI (see paragraph 12-6).
2. An NCIS Report of Investigation (ROI) shall not be made part of a JAGMAN investigation. The NCIS ROIs are exempt from certain disclosure provisions of reference (e), while JAGMAN investigations are not. By attaching the NCIS ROI to the JAGMAN investigation, the attached NCIS ROI loses its exempt status and may be disclosed in total under reference (e). Extracts or statements acquired through the NCIS ROI may be used in findings of fact, but that use shall first be approved by the originating NCIS office. Particular attention shall be given to the handling instructions on the NCIS ROI cover sheet provided to commands and instructions contained in paragraph 0217H(2) of reference (d).

12-13 RESULTS OF JAGMAN INVESTIGATIONS

Upon completion of the JAGMAN investigation, the convening command shall forward the investigation via the administrative chain of command with letters of endorsement, to the CNO (N09N2). Information copies shall be forwarded to the local NCIS office, the originator and the OCA, unless the originator or the OCA is assigned to the office of the CNO or a command outside the DoD, in which case the CNO (N09N2) shall forward the results of the investigation.

12-14 REVIEW AND ENDORSEMENT OF JAGMAN INVESTIGATIONS BY SUPERIORS

1. Each superior in the administrative chain of command shall review JAGMAN investigations for completeness and return any deficient JAGMAN investigation for additional investigation or

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corrective actions. Additionally, each superior shall, by endorsement:

- a. Approve or disapprove the proceedings, findings of fact, opinions, and recommendations.
- b. State and evaluate the corrective measures taken, directed, or recommended to prevent recurrence of the incident. Remedial action(s) to prevent similar incidents is very important and shall be specifically addressed.
- c. Determine whether security practices are in conflict with this regulation and if they are being corrected;
- d. State and review the disciplinary action(s) taken or recommended to ensure it is appropriate and commensurate to the circumstances and culpability. If disciplinary action is not taken because of extenuating or mitigating circumstances explain why. Affirm that the command shall comply with reference (f), concerning continuing evaluation of the responsible individual's eligibility for clearance and access.

12-15 SECURITY REVIEWS

Classified information subjected to compromise requires a security review for classification determination. If local expertise is available, a security review shall be conducted for a classification determination. If no such expertise is available, the originator or OCA of the information may be asked for a security review. A security review, however, is usually insufficient to support formal prosecution. A local reviewer, shall not declassify properly classified information, unless they are the cognizant OCA.

12-16 CLASSIFICATION REVIEWS

1. When it is determined that a compromise of classified information has occurred, the NCIS may request the CNO (N09N2) to initiate a classification review. The CNO (N09N2) shall then coordinate a classification review of the compromised information with the cognizant OCA.

2. Upon notification by the CNO (N09N2), the cognizant OCA shall conduct a classification review of the compromised information. The classification review shall include:

- a. Verification of the current security classification level and its duration.

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b. The security classification level of the information when subjected to compromise.

c. Whether further review is required by some other DON command.

d. A general description of the impact on the affected operations.

3. Based on the results of this evaluation, the OCA shall select one of the following courses of action:

a. Continue classification without changing the information involved;

b. Modify specific information, in whole or part, to minimize or nullify the effects of the compromise while retaining the classification level;

c. Upgrade the information;

d. Downgrade the information; or

e. Declassify the information.

4. Upon completion of the classification review, the OCA shall evaluate the course of action chosen and notify the CNO (N09N2) of the results. If the course of action is to modify, upgrade, downgrade or declassify information, the OCA is to notify all holders of the changed information, unless the information exists in a DON SCG in which case the OCA shall submit a SCG change per reference (g).

12-17 DAMAGE ASSESSMENTS

1. Per reference (h), a damage assessment is a multi-disciplinary analysis to determine the effect of a compromise of classified information on the national security. It is normally a long-term, post-prosecutorial effort to determine in great detail the practical effects of an espionage-related compromise on operations, systems, materials, and intelligence. The formal damage assessment is not to be confused with the brief impact statement on the harm to national security included by the OCA in a classification review performed in support of a prosecution. Depending upon the circumstances of the compromise, a formal damage assessment is not always necessary.

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2. The Department of Defense Damage Assessment Committee (DODDAC) is the committee established to review and analyze damage assessments of compromised U.S. classified defense information that result from espionage. The CNO (N09N) and the CMC (CIC) are permanent members of the DODDAC.

12-18 PUBLIC MEDIA COMPROMISES

1. A public media compromise is the unofficial release of DoD classified and unclassified information to the public resulting in its unauthorized disclosure.

2. When an individual or command becomes aware that classified or unclassified information is unofficially released to the public (i.e., newspaper, magazine, book, pamphlet, radio, television broadcast or INTERNET) they shall immediately notify the CNO (N09N2) (see paragraph 12-8 for additional reporting requirements for special types of information). DON personnel shall not, under any circumstances, make any statements or comments concerning any information unofficially released to the public.

3. The CNO (N09N2) is responsible for ensuring that all known or suspected instances of unauthorized public disclosure of classified information are promptly reported, investigated, and appropriate corrective action(s) is taken. Upon notification of a compromise through the public media, the CNO (N09N2) shall consult with the Office of Information (CHINFO), the Assistant SECDEF(PA), the NCIS, other officials having primary interest in the information, and:

a. Determine whether the information has been officially released (under proper authority) and, if not, obtain a classification review from the cognizant OCA;

b. Recommend any appropriate investigative action(s) to the NCIS;

c. If the information is, or appears to be, under the cognizance of another DoD component, forward the case to the DASD(S&IO), who shall determine investigative responsibility; and

d. Follow-up and keep records on any actions involving unauthorized disclosure of classified information. If no action is taken, that fact shall be recorded.

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4. The NCIS shall:

a. Promptly initiate an investigation(s), if warranted. Prepare summaries of the investigation(s) and forward them to the DASD(S&IO);

b. Provide assistance to the DASD(S&IO), other DoD components, or the FBI in cases involving unauthorized public disclosure of DON information; and

c. Follow up and keep records on unauthorized public disclosure cases. If no action(s) is taken, that fact shall be recorded.

12-19 SECURITY DISCREPANCIES INVOLVING IMPROPER TRANSMISSIONS

Any command that receives classified information improperly handled, addressed, packaged, transmitted, or transported shall make a determination as to whether the information has been subjected to compromise. If the command determines that the classified information has been subjected to compromise, the receiving command shall immediately notify the forwarding command. Classified information shall be considered as having been subjected to compromise if it has been handled through foreign postal systems, its shipping container has been damaged to an extent where the contents are exposed, or it has been transmitted over unprotected communication circuits (e.g. facsimile, telephone, teletype, data links). If the command determines that the information was not subjected to compromise, but improperly prepared or transmitted, the receiving command shall report the discrepancy to the forwarding command, using OPNAV 5511/51 (Security Discrepancy Notice, exhibit 12B)). Retain Security Discrepancy Notices for 2 years.

REFERENCES

- (a) OPNAVINST C5510.101D, *NATO Security Procedures*, 17 Aug 82 (NOTAL)
- (b) CMS-1A, *Cryptographic Security Policy and Procedures Manual (U)* 25 Feb 98 (NOTAL)
- (c) DoD 5105.21-M-1, *DoD Sensitive Compartmented Information Administrative Security Manual*, 3 Aug 98 (NOTAL)
- (d) JAGINST 5800.7C, *Manual of the Judge Advocate General*, 3 Oct 90 (NOTAL)

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- (e) Title 5 of Public Law 93-579, *The Privacy Act*,
(U.S.C., Section 552a)
- (f) SECNAVINST 5510.30A, *DON Personnel Security Program
Regulation*, 10 Mar 99
- (g) OPNAVINST 5513.1E, *DON Security Classification Guides*,
16 Oct 95
- (h) DoD Instruction 5240.11, *Damage Assessments*, 23 Dec 91

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EXHIBIT 12A

SAMPLE PI LETTER FORMAT

5500
Ser
(Date)

From: (Title, name, grade/rank, command of investigating
official)

To: (Addressee)

Via: (If any)

Subj: PRELIMINARY INQUIRY (PI)

Ref: (a) SECNAVINST 5510.36
(b) (If any)

Encl: (1) (If any)

1. INCIDENT: Per reference (a), (State specifics of the incident, e.g., "On (date) a PI was conducted into the possible loss or compromise of classified information at (command). A (TS, S, or C) document(s) was determined missing during a command inspection by Sgt. Smith at 1400....").

2. STATEMENT OF FACTS:

a. IDENTIFICATION OF INFORMATION OR EQUIPMENT LOST OR COMPROMISED:

(1) CLASSIFICATION: (Include warning notices/intelligence control markings).

(2) IDENTIFICATION/SERIAL NO(S):

(3) DATE:

(4) ORIGINATOR:

(5) OCA(S):

(6) SUBJECT OR TITLE:

(7) DOWNGRADING/DECLASSIFICATION INSTRUCTIONS:

(8) NUMBER OF PAGES OR ITEMS OF EQUIPMENT INVOLVED:

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Subj: PRELIMINARY INQUIRY (PI)

(9) COMMAND POINT OF CONTACT AND PHONE NUMBER:

(10) UIC OF CUSTODIAL COMMAND:

b. ASSESSMENT OF LIKELIHOOD OF LOSS OR COMPROMISE: (Provide supporting information in either instance. Indicate if a security review of the information was conducted, and state recommendations, if any, of actions needed to be taken to minimize the effects of damage).

c. NOTIFICATION OF LOCAL NCIS OFFICE: (Identify the NCIS Office and SA notified. Indicate if the NCIS accepted or declined the investigation).

d. CIRCUMSTANCES SURROUNDING THE INCIDENT: (Provide explanation of contributing factors and include any interviews with witnesses).

e. INDIVIDUAL(S) RESPONSIBLE: (If any).

f. PUNITIVE DISCIPLINARY ACTION(S) TAKEN: (If any).

g. DETERMINATION OF SECURITY WEAKNESS(ES) OR VULNERABILITY(IES): (State any command weakness(es) or vulnerability(ies) that may have contributed to the incident).

3. CONCLUSION: (Choose one of following statements):

a. A loss or compromise of classified information did not occur, but incident meets the criteria of a security discrepancy;

b. A loss or compromise of classified information did not occur, however, a security weakness(es) or vulnerability(ies) is revealed due to the failure of a person(s) to comply with established security regulations;

c. A loss or compromise of classified information may have occurred but the probability of compromise is remote and the threat to the national security minimal;

d. A loss or compromise of classified information may have occurred due to a significant command security weakness(es) or vulnerability(ies); or

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Subj: PRELIMINARY INQUIRY (PI)

e. A loss or compromise of classified information occurred, and the probability of damage to the national security cannot be discounted until after completion of a JAGMAN or NCIS investigation;

4. CORRECTIVE MEASURES TAKEN AS A RESULT OF THE INCIDENT:
(If any).

5. FURTHER ACTION: (Indicate either that "No further action is required" or "A JAGMAN investigation has been initiated").

//S//

Copy to:
CNO (N09N2)
NCIS
ORIGINATOR
OCA(s)
(All others required)

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EXHIBIT 12B

SAMPLE PI MESSAGE FORMAT

ROUTINE
R (DTG)
FM CG SECOND MAW//G-2//
TO COMMARFORLANT/G-2//
INFO CMC WASHINGTON DC//CIC//
CNO WASHINGTON DC//N09N2//
NAVCRIMINVSEVRVRA CHERRY PT NC

UNCLASS //N05500//
SUBJ/PRELIMINARY INQUIRY (PI)
REF/A/INST/SECNAVINST 5510.36//
RMKS/1. IAW REF A, THE FOLLOWING PI IS SUBMITTED:
A. INCIDENT: (STATE SPECIFICS OF THE INCIDENT, E.G., ON (DATE)
A PI WAS CONDUCTED INTO THE POSSIBLE LOSS OR COMPROMISE OF
CLASSIFIED INFORMATION AT (COMMAND). A (TS, S, OR C) DOCUMENT(S)
WAS DETERMINED TO BE MISSING DURING A COMMAND INSPECTION BY SGT.
SMITH AT 1400....).
B. STATEMENT OF FACTS: (IDENTIFICATION OF INFORMATION OR
EQUIPMENT LOST OR COMPROMISED).
1. CLASSIFICATION: (INCLUDE WARNING NOTICES/INTELLIGENCE CONTROL
MARKINGS).
2. IDENTIFICATION/SERIAL NO(S):
3. DATE:
4. ORIGINATOR:
5. OCA(S):
6. SUBJECT OR TITLE:
7. DOWNGRADING/DECLASSIFICATION INSTRUCTIONS:
8. NUMBER OF PAGES OR ITEMS OF EQUIPMENT INVOLVED:
9. COMMAND POC AND PHONE NUMBER:
10. UIC OF CUSTODIAL COMMAND:
C. ASSESSMENT OF LIKELIHOOD OF LOSS OR COMPROMISE: (PROVIDE
SUPPORTING INFORMATION IN EITHER INSTANCE. INDICATE IF A
SECURITY REVIEW OF THE INFORMATION WAS CONDUCTED, AND STATE
RECOMMENDATIONS, IF ANY, OF ACTIONS NEEDED TO BE TAKEN TO
MINIMIZE THE EFFECTS OF DAMAGE).
D. NOTIFICATION TO THE LOCAL NCIS OFFICE: (PROVIDE THE IDENTITY
OF THE NCIS OFFICE AND SA NOTIFIED. INDICATE IF NCIS ACCEPTED OR
DECLINED THE INVESTIGATION).
E. CIRCUMSTANCES SURROUNDING THE INCIDENT: (PROVIDE EXPLANATION
OF CONTRIBUTING FACTORS AND INCLUDE ANY INTERVIEWS WITH
WITNESSES).
F. INDIVIDUAL(S) RESPONSIBLE: (IF ANY).
G. PUNITIVE DISCIPLINARY ACTION(S) TAKEN: (IF ANY).

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SUBJ: PRELIMINARY INQUIRY (PI)

H. DETERMINATION OF SECURITY WEAKNESS(ES) OR VULNERABILITY(IES):
(STATE, IF ANY, COMMAND WEAKNESS(ES) THAT MAY HAVE CONTRIBUTED TO THIS INCIDENT).

I. CONCLUSION: (CHOOSE ONE OF THE FOLLOWING STATEMENTS: (1) A LOSS OR COMPROMISE OF CLASSIFIED INFORMATION DID NOT OCCUR, BUT INCIDENT MEETS THE CRITERIA OF A SECURITY DISCREPANCY; (2) A LOSS OF COMPROMISE OF CLASSIFIED INFORMATION DID NOT OCCUR, HOWEVER, A SECURITY WEAKNESS(ES) OR VULNERABILITY(IES) IS REVEALED DUE TO THE FAILURE OF A PERSON(S) TO COMPLY WITH ESTABLISHED SECURITY REGULATIONS; (3) A LOSS OR COMPROMISE OF CLASSIFIED INFORMATION MAY HAVE OCCURRED BUT THE PROBABILITY OF COMPROMISE IS REMOTE AND THE THREAT TO THE NATIONAL SECURITY MINIMAL; (4) A LOSS OR COMPROMISE MAY HAVE OCCURRED DUE TO A SIGNIFICANT COMMAND SECURITY WEAKNESS(ES) OR VULNERABILITY(IES); OR (5) A LOSS OR COMPROMISE OF CLASSIFIED INFORMATION OCCURRED, AND THE PROBABILITY OF DAMAGE TO THE NATIONAL SECURITY CANNOT BE DISCOUNTED UNTIL AFTER COMPLETION OF A JAGMAN OR NCIS INVESTIGATION.

J. CORRECTIVE MEASURES TAKEN AS A RESULT OF THE INCIDENT:
(IF ANY).

K. FURTHER ACTION: (INDICATE EITHER THE "NO FURTHER ACTION IS REQUIRED" OR "A JAGMAN INVESTIGATION HAS BEEN INITIATED").

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EXHIBIT 12C

SAMPLE JAGMAN APPOINTMENT LETTER

5830
Ser
(Date)

From: Commanding Officer, Headquarters Battalion, Marine Corps
Base, Camp Pendleton, CA
To: CAPT James E. Smith, USMC
Subj: INVESTIGATION OF THE LOSS OR COMPROMISE OF CLASSIFIED
INFORMATION THAT OCCURRED AT (COMMAND) ON (DATE)
Ref: (a) JAG Manual

1. Under Chapter II, part A, of reference (a), you are appointed to investigate, as soon as practical into circumstances surrounding the loss or compromise of classified information that occurred at (command) on (date).
2. You are to investigate all the facts, circumstances, and the cause of the loss or compromise and provide identification of all compromised information and any potential impact on the national security. You should recommend appropriate administrative or disciplinary action(s). Particular attention should be given to reference (a).
3. Report your findings of fact, opinions, and recommendations by (date), unless an extension of time is granted.
4. By copy of this appointing order, Commanding Officer, Headquarters Company, is directed to furnish necessary reporters and clerical assistance for recording the proceedings and preparing the record.

//S//

Copy to:
(if any)

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EXHIBIT 12D

SAMPLE JAGMAN INVESTIGATION FORMAT

**5830
Ser
(Date)**

**From: (Name, title, grade/rank, command of investigating
official)**

To: (Addressee)

Subj: JAGMAN INVESTIGATION FORMAT

**Ref: (a) SECNAVINST 5510.36
(b) (JAGMAN appointment ltr)
(c) (JAGINST 5800.7C of 3 Oct 1990)
(d) (Any others)**

Encl: (1) (If any)

1. TYPE OF INCIDENT: (Loss or compromise).

**2. IDENTIFICATION OF LOST OR COMPROMISED INFORMATION OR
EQUIPMENT:**

**a. CLASSIFICATION: (Include warning notices/intelligence
control markings).**

b. IDENTIFICATION/SERIAL NO(S):

c. DATE:

d. ORIGINATOR:

e. OCA(S):

f. SUBJECT OR TITLE:

g. DOWNGRADING/DECLASSIFICATION INSTRUCTIONS:

h. NUMBER OF PAGES OR ITEMS OF EQUIPMENT INVOLVED:

i. COMMAND POINT OF CONTACT AND PHONE NUMBER:

j. UIC OF CUSTODIAL COMMAND:

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Subj: JAGMAN INVESTIGATION FORMAT

3. **NOTIFICATION OF OCA AND LOCAL NCIS OFFICE:** (Affirm that the OCA, local NCIS office and cognizant command were notified in a timely manner, and that the NCIS took immediate action upon notification (i.e., action initiated, declined jurisdiction)).

4. **INTERVIEWS:** (Interview all involved parties. Coordinate with the NCIS or the JAG agents to avoid interviewing a criminal suspect or "designated party." Include the following information):

a. **NAME/GRADE OR RANK/BILLET TITLE:** (Do not use SSNs unless absolutely necessary for positive identification).

b. **TESTIMONY(IES):**

5. **WHEN:** (Period of time during which the information was lost or compromise).

6. **WHERE:** (Location) (If controlled space, identify all those who had access to the space, and identify all geographic ports of call, airfields or ocean areas involved, if warranted). **NOTE:** WHEN CLASSIFIED INFORMATION OR EQUIPMENT IS LOST IN FOREIGN COUNTRIES AND CANNOT BE RECOVERED, THE LOCATION (this paragraph and the entire JAGMAN investigation) SHALL BE CLASSIFIED AT THE SAME LEVEL AS THE LOST INFORMATION OR EQUIPMENT.

7. **HOW:** (The loss or compromise occurred, and how this determination was derived).

8. **INDIVIDUAL(S) RESPONSIBLE:** (If culpability is indicated).

a. **NAME:** (In full).

b. **DPOB:** (City and state).

9. **SECURITY REVIEW:** (State if information or equipment is classified properly, and on what authority you base your findings. Provide any supporting data for your conclusions(s). DO NOT CONFUSE THIS WITH A "FORMAL CLASSIFICATION REVIEW" THAT REQUIRES FORMAL TASKING BY THE CNO (NO9N2) AND REQUIRED FOR ALL NATIONAL SECURITY CASES INVOLVING A COURT-MARTIAL OR FEDERAL CRIMINAL TRIAL).

10. **FINDINGS OF FACTS:** (Chronology of the circumstances surrounding the incident. Facts should be substantiated by witness statements or precise identification of paragraphs in other enclosures of the investigation).

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Subj: JAGMAN INVESTIGATION FORMAT

NOTE: IF INFORMATION WAS DISCLOSED VERBALLY, OR IF THE CLASSIFICATION WAS IN QUESTION, REFERENCE THE CLASSIFICATION SOURCE OR SCG(S), OR AN OPINION (LOCAL SUBJECT MATTER EXPERT) TO SUPPORT YOUR FINDINGS.

11. SUMMARY OF EVENTS THAT LED TO COMPROMISE: (Based on your facts of findings, and interviews with individual involved).

12. PROBABILITY OF COMPROMISE: (Based on your investigation, state your opinion as to the probability of compromise (e.g., the likelihood that a loss or temporarily loss (uncontrolled information), or an unauthorized disclosure actually resulted in compromise). If you disagree with the PI findings say so. If you are certain that neither a loss or compromise occurred, and that no serious security weakness(es), vulnerability(ies) or punitive disciplinary action(s) are warranted, you may, with the convening command's approval, provide written notification to all PI addressees and end your investigation.

13. RECOMMENDATION OF CORRECTIVE ACTION(S): (State any corrective actions necessary to prevent recurrence).

14. RECOMMENDATION OF PROPOSED DISCIPLINARY ACTION(S): (If required by appointing letter, recommend any proposed disciplinary action(s)).

//S//

Copy to:
CNO (N09N2)
ORIGINATOR
OCA(s)
NCIS
(All others required)

17 MAR 1998

EXHIBIT 12E

SECURITY DISCREPANCY NOTICE

SECURITY DISCREPANCY NOTICE

OPNAV 5511/51 (5-82) S.N. 0107-LF-033-5359 (This form replaces OPNAV 5511/5: 22 AND 24 which are obsolete)

FROM	DATE
BY	
EXCL.	

TO: []

Note - This form may be
in a window

1. Reference (a) has been found to be inconsistent with or in contradiction of reference (b) for the reasons checked below.
2. If applicable, corrective action should be taken and where the division changing classification, all holders of reference (a) should be notified accordingly.

IMPROPER TRANSMITTAL/PACKAGING

SENT VIA NON-REGISTERED NON-CERTIFIED MAIL	CLASSIFICATION NOT MARKED ON INNER CONTAINER	RECEIVED IN POOR CONDITION; COMPROMISE IMPOSSIBLE
SENT IN SINGLE CONTAINER	NO RETURN RECEIPT	ADDRESSED IMPROPERLY
MARKINGS ON OUTER CONTAINER DIVERGE CLASSIF. OF CONTENTS	INADEQUATE WRAPPING, NOT SECURELY WRAPPED OR PROTECTED	OTHER (specify)

CLASSIFICATION

BASIC CLASSIFICATION QUESTIONABLE	DOCUMENT SUBJECT MARKING	CHART, MAP OR DRAWING MARKING
OVERALL MARKINGS	DOCUMENT TRANSMITTAL MARKING	PHOTO, FILM OR RECORDING MARKING
PARAGRAPH/COMPONENT MARKINGS	MESSAGE MARKING	OTHER (specify)

DOWNGRADING/DECLASSIFICATION

CLASSIFICATION AUTHORITY NOT IDENTIFIED OR AUTHORIZED	DOWNGRADING DATA INCORRECT	DECLASSIFICATION DATA OMITTED OR INCORRECT
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Field No. 1 with face of form is zero

COMMENTS (Continue on reverse, if necessary)

LOCATION	TITLE
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